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**AJMER STATE GOVERNMENT**

**(Law and Judicial Department)**

*Ajmer, the 30th October, 1956.*

The following Act of the Ajmer Legislature Assembly received the assent of the President on the 27th October, 1956, and is hereby published for general information:—

**THE AJMER ABOLITION OF INTERMEDIARIES AND LAND REFORMS (AMENDMENT) ACT, 1956.**

Act No. IX of 1956.

*An Act to amend the Ajmer Abolition of Intermediaries and Land Reforms Act, 1955 (III of 1955).*

BE it enacted by the Legislative Assembly of the State of Ajmer in the Seventh Year of the Republic of India as follows:—

**1. Short title and commencement.**—(1) This Act may be called the Ajmer Abolition of Intermediaries and Land Reforms (Amendment) Act, 1956.

(2) It shall be deemed to have come into force on the 23rd day of June, 1955.

**2. Amendment of section 2 of Act III of 1955.**—In section 2 of the Ajmer Abolition of Intermediaries and Land Reforms Act, 1955 (here-in-after referred to as the Principal Act)—

(i) for clause (v) of sub-section (1), the following clause shall be substituted, namely:—

“(v) ‘estate’ has the same meaning as is assigned to that expression in the Ajmer Land and Revenue Regulation,

1877 (Regulation II of 1877) and includes all rights in an estate or a share in or a part of an estate, and also includes an Istimrari estate, Jagir, Bhoom, Muafi and land held by a Guzaredar, Minor Istimrardar or Non-Sanadi Istimrardar recorded as such in the record of rights but does not include land held by a Bisweddar or Khewatdar.”;

(ii) in clause (xv) of sub-section (1), after the words “or with the performance of religious rites” the words “or with the maintenance of any place of religious worship” shall be inserted;

(iii) for items (a) and (b) of clause (xvi) of sub-section (1), the following items shall be substituted, namely:—

“(a) In the case of bari, chahi A, chahi one plus and chahi one land, one acre of such land,

(b) In the case of chahi two, talabi one plus and talabi one land, one and half acres of such land.”

**3. Amendment of section 6 (1) (e).**—In clause (e) of sub-section (1) of section 6 of the Principal Act, after the words “other dues due” the words “to the State Government” shall be inserted.

**4. Amendment of section 16.**—In clause (d) of sub-section (3) of section 16 of the Principal Act, after the words, commas, figures and brackets “the Administration of Evacuee Property Act, 1950 (XXXI of 1950)” the words “the compensation money” shall be inserted.

**5. Substitution of new section 32.**—For section 32 of the Principal Act, the following section shall be substituted, namely:—

“**32. Payment of land revenue.**—(1) All Bhuswamis and Kashtkars shall hold land directly from the State Government.

(2) A Bhuswami shall be liable to pay as revenue to the State Government an amount equal to the rent payable by exproprietary tenant at the village rate.

(3) A Kashtkar shall be liable to pay as revenue to the State Government an amount equal to the rent payable by hereditary tenant at the village rate.

(4) Where no rates have been determined the amount of revenue payable by Bhuswamis and Kashtkars shall be such as may be prescribed.”

**6. Substitution of new section 37.**—For section 37 of the Principal Act, the following section shall be substituted, namely:—

**“37. Restriction on leases.**—(1) Subject to the provisions of this Act, a Bhuswami may let the whole or any part of his holding.

(2) No Kashtkar shall let the whole or any part of his holding: Provided that nothing in this sub-section shall apply to a Kashtkar who is—

- (a) a female,
- (b) a minor, during his minority,
- (c) a lunatic or an idiot,
- (d) a person suffering from any physical disability, so long as the disability continues,
- (e) a member of the Armed Forces, until he is discharged or retired from service,
- (f) a person confined in a prison, during the period of such confinement.

(3) If any question arises whether a person is excluded from the operation of sub-section (2), it shall be referred to the Sub-Divisional Officer, who shall, after holding such enquiry as he deems fit, determine such question.”

**7. Insertion of a new section 37A.**—After section 37 of the Principal Act, the following section shall be inserted, namely:—

**“37A. Duration of leases.**—(1) Notwithstanding any custom, usage, agreement or contract, every tenancy, whether created before or after the commencement of the Ajmer Abolition of Intermediaries and Land Reforms (Amendment) Act, 1956, shall, subject to the provisions of sub-sections (2) and (3), be in force—

- (a) for the period specified in the lease, if such period is five years or more, or
- (b) for a period of five years, if the period specified in the lease is less than five years, and thereafter, shall be, deemed to be renewed for further periods of five years at the end of every five year period on the same terms and conditions.

(2) The land holder may, by giving the tenant one year's notice in writing before the end of any of the periods referred to in sub-section (1), terminate the tenancy with effect from the 1st day of June, in the last year of the said period if the bonafide requires the land for personal cultivation.

(3) Notwithstanding anything contained in sub-section (1)—

- (a) a tenant may terminate the tenancy at any time by surrendering his interest as a tenant in favour of the land holder:

Provided that such surrender shall be in writing and shall be verified before the Tehsildar in the prescribed manner;

- (b) every tenancy shall be liable to be terminated at any time on any of the grounds mentioned in section 40."

**8. Amendment of section 40.**—In sub-section (1) of section 40 of the Principal Act—

- (i) after clause (c) the following proviso shall be inserted, namely:—

"Provided that if the lessee belongs to any one of the categories mentioned in the proviso to sub-section (2) of section 37, the tenancy shall not be terminated merely on the ground that the lessee has sublet the land.";

- (ii) clause (e) shall be omitted;

- (iii) clause (f) shall be relettered as (e).

**9. Amendment of section 44.**—In section 44 of the Principal Act—

- (1) in sub-section (1), for the words "the transferer shall" the words "the transferee shall" shall be substituted;

- (2) in sub-section (2), after the word "State" the word "Government" shall be inserted.

**10. Amendment of section 46.**—In section 46 of the Principal Act, for the words "Any six or more persons holding between them Bhuswami rights" the words "Any ten or more persons holding between them Bhuswami or Kashtkar rights" shall be substituted.

**11. Amendment in para. 3 of the Schedule.**—In paragraph 3 of the Schedule to the Principal Act—(1) in clause (a)—

- (i) after the words "local rates payable" the words "to the intermediary" after the words "under proprietor" the word "Biswedar" and after the words "grove holders" the words "as the case may be" shall be inserted;

- (ii) after item (iii) the following items shall be inserted, namely:—

"(iv) where rent-rates have not been determined, the valuation at rates to be determined in such manner as may be prescribed;

- (v) where revenue is payable in kind or partly in cash and partly in kind, the valuation thereof to be determined at rates equal to the sanctioned hereditary rent rates fixed by the Rent Rate Officer immediately preceding the date of vesting."

(2) for clause (b) the following clause shall be substituted, namely:—

"(b) the valuation at—

- (i) ex-proprietary rate of rent of Niji Jot, Khudkasht or grove land of the intermediary allotted to him under section 29, and
- (ii) hereditary rate of rent of the remaining Niji Jot, Khudkasht or grove land of the intermediary.

*Explanation.*—The rent rates sanctioned immediately preceding the date of vesting shall be deemed to be applicable for the basic year for the purpose of the Schedule."

**12. Insertion of para. 6 in the Schedule.**—After paragraph 5 of the Schedule to the Principal Act, the following paragraph shall be inserted, namely:—

**"6. Payment of annuity to religious or charitable institutions—**

- (1) Notwithstanding anything contained in the Act, where in the opinion of the Compensation Commissioner, the net income or any portion of the net income in respect of an estate held under trust or other legal obligation, including waqf or endowment, has been dedicated before the date of vesting exclusively to charitable or religious purposes without any reservation of pecuniary benefit to any individual, the compensation payable in respect of such income or portion thereof shall be determined as perpetual annuity equal to such net income or portion thereof as may be determined according to the provision of the Act.
- (2) The annuity shall be payable in cash in one instalment.
- (3) If such annuity is not determined within a period of one year of the date of vesting, the State Government shall make such interim payments as may be prescribed.

*Explanation.*—If the salary, remuneration or any allowance payable to the Mutwalli of a waqf or the Shebait of a Hindu temple or a trustee of any other charitable or religious trust or Sajjadanashin in case of Dargah Khawaja Sahib does not exceed 15 per cent. of the

net income, then such income shall be deemed to be dedicated exclusively to charitable or religious purpose for the purposes of assessing the net income as a perpetual annuity."

P. N. SETH

*Secretary to the Government of Ajmer.*